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doing business as Gem International*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAMA GEMS, INC. doing business as GEM
INTERNATIONAL,

Plaintiff,

-against-

R & R GROSBARD, INC., ROBERT
GROSBARD, RICHARD GROSBARD,
and RITESH SHAH,

Defendants.

Case No. 07 Civ. 9384(RJS)

ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINTS

Upon (i) the declaration of Edwin B. Cutshall, sworn to September 26, 2007, (ii) the declaration of Navin A. Shah, sworn to September 27, 2007, (iii) the declaration of Jayesh Gandhi, sworn to September 27, 2007, (iv) the declaration of Sanjay Khapre, sworn to September 27, 2007, (v) the declaration of Parag Shah, sworn to October 5, 2007, (vi) the declaration of Christopher B. Turcotte, sworn to October 18, 2007, together with the exhibits annexed thereto, (vii) the Verified Complaint dated October 18, 2007, and (viii) the accompanying Memorandum of Law in Support of the Motion for a Preliminary Injunction and for Temporary Restraints by Plaintiff Shama Gems, Inc., doing business as Gem International

dated October 18, 2007, and upon sufficient cause having been shown, on this ____ day of October, 2007, it is hereby

ORDERED, that defendants R & R Grosbard, Robert Grosbard, Richard Grosbard and Ritesh Shah (hereinafter “the defendants”) show cause before the Honorable _____, United States District Court Judge, at the United States Courthouse, 500 Pearl Street, New York, New York on the ____ day of October, 2007, at _____ a.m./p.m. or as soon thereafter as counsel can be heard, why an Order should not be entered preliminarily, during the pendency of this action:

- (a) enjoined from manufacturing, vending, importing, distributing, selling, promoting or advertising any item being a copy, reproduction and/or colorable imitation of the plaintiff’s *Jubilant Crown*®, or any product whose design infringes plaintiff’s design patent or is substantially similar to the designs protected by the design patent, including any other of defendants’ designs or products;
- (b) ordering the freeze of R & R Grosbard’s bank accounts and other assets pending completion of an accounting of all profits derived from its sale of the “Remy Diamond”; and
- (c) granting such other and further relief as the Court deems just and proper; and it is further

ORDERED that, pursuant to Fed.R.Civ.P. 65 and pending the hearing of the matter, the defendants, their agents, representatives and all persons acting in concert with them are temporarily restrained from manufacturing, marketing or selling the banner product; and it is further

ORDERED that service of a copy of this Order and the papers upon which it is granted made upon the defendants' counsel:

James V. Costigan, Esq.
Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, New York 10036-2646

by hand or by overnight mail on or before the ____ day of October, 2007, shall be deemed sufficient service; and it is further

ORDERED that opposing papers, if any, shall be served by hand or by overnight mail upon The Law Office of Christopher B. Turcotte, P.C., 575 Madison Avenue, New York, New York 10022 (attention: Christopher B. Turcotte, Esq.), attorneys for plaintiff Shama Gems, Inc., doing business as Gem International, received at their office no later than

_____, 2007, and reply papers, if any, shall be served by hand or by overnight mail no later than _____, 2007, and it is further

ORDERED that any modifications of the terms of this order, including extensions of time, shall be made on stipulation of plaintiff Shama Gems, Inc., doing business as Gem International, and the defendants and shall not be effective until so ordered by this Court or by such application as is provided by Fed.R.Civ.P. 65.

Dated: October ____, 2007

, U.S.D.J.